

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN

United States of America,)	
)	
Plaintiff,)	
)	
v.)	Civil No. 2:19-cv-00769-LA
)	
James K. Lee,)	
)	
Defendant.)	

**JOINT REPORT OF RULE 26(f)
CONFERENCE AND DISCOVERY PLAN**

Under Fed. R. Civ. P. 26(f), Plaintiff the United States of America and defendant James Lee, by and through undersigned counsel, submit the following report for the Fed. R. Civ. P. 16(b) scheduling conference scheduled for October 30, 2019 at 11:00 a.m.

1. Nature of the Case.

The United States brought suit to reduce to judgment unpaid federal penalty assessments against James K. Lee under 31 U.S.C. § 5321 for his allegedly willful failure to report his interest in or signature authority over foreign financial accounts for 2009, 2010, and 2011. 26. The United States alleges that on May 25, 2017, a delegate of the Secretary of the Treasury made an assessment under 31 U.S.C. § 5321 against Lee for his willful failure to submit FBARs for the foreign accounts above for the years ending 2009, 2010, and 2011. The United States further alleges that a delegate of the Secretary of the Treasury also assessed a late-payment penalty under 31 U.S.C. § 3717(e)(2) and 31 C.F.R. § 5.5(a), plus interest.

The amount due with respect to the assessment described above is, as of May 18, 2018, \$1,056,791. The amount due for the late-payment penalty as of that date is \$59,060,62, and the interest owing was \$10,336.28. The United States seeks judgment in

its favor and against Lee for these amounts, plus statutory additions including interest according to law.

2. Fed. R. Civ. P. 26(f) Matters.

- a. Counsel for each party met on October 9, 2019, by telephone to develop this report and discuss the case as required by Rule 26(f) of the Federal Rules of Civil Procedure.
- b. Any motion for leave to join additional parties or to otherwise amend the pleadings shall be filed by November 18, 2019.
- c. Discovery Plan.
 - a. The parties shall exchange by November 18, 2019 the information required by Fed. R. Civ. Procedure 26(a)(1).
 - b. The parties do not anticipate using expert witnesses in this case.
 - c. Discovery may be needed on the following subjects and does not need to be conducted in phases:
 - i. Allegations set forth in the complaint regarding Lee's willful failure to file FBARs for the years at issue;
 - ii. Allegations set forth in the answer.
- d. All discovery shall be commenced or served in time to be completed by April 17, 2020.
- e. The parties do not anticipate any issues about disclosure or discovery of ESI at this time. Non-privileged ESI will be produced in paper form, unless otherwise agreed to by the parties.
- f. The parties do not anticipate any issues about claims of privilege or work product protection at this time and do not require any agreement on this subject to be included in the Court's scheduling order. The parties agree to handle inadvertent disclosures of

privileged or protected information as set forth in Fed. R. Civ. P. 26(b)(5)(B) and Fed. R. Evid. 502(b)(3).

- g. Dispositive motions shall be filed on or before June 12, 2020.
- h. No changes should be made in the limitations on discovery imposed under the Federal Rules of Civil Procedure. The parties do not require any other orders under Rule 26(c) at this time.

Respectfully submitted,

Dated: October 16, 2019

RICHARD E. ZUCKERMAN
Principal Deputy Assistant Attorney
General

/s/ Michael R. Pahl
Michael R. Pahl
Trial Attorney, Tax Division
U.S. Department of Justice
Post Office Box 7238
Ben Franklin Station
Washington, DC 20044
Tel. 202.514.6488
Fax: 202.514-6770
Michael.r.pahl@usdoj.gov
Attorney for the United States

Dated: October 16, 2019

/s/Robert M. Romashko
Robert M. Romashko
Husch Blackwell LLP
555 East Wells Street, Suite 1900
Milwaukee, WI 53202-3819
312-662-4665
robert.romashko@huschblackwell.com